

**MINUTES OF THE REGULAR JOINT MEETING
OF THE MONTCLAIR CITY COUNCIL AND
REDEVELOPMENT AGENCY AND MONTCLAIR
HOUSING CORPORATION BOARDS HELD ON
MONDAY, AUGUST 18, 2008, AT 7:00 P.M. IN
THE CITY COUNCIL CHAMBERS, 5111 BENITO
STREET, MONTCLAIR, CALIFORNIA**

I. CALL TO ORDER

Mayor/Chairman Eaton called the meeting to order at 7:00 p.m. and asked that cell phones, pagers, and other electronic devices be silenced as a courtesy to others while the meeting is in session.

II. INVOCATION

Pastor Larry Brazier, Morningstar Christian Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem/Vice Chairman Dutrey led those assembled in the Pledge.

IV. ROLL CALL

Present: Mayor/Chairman Eaton; Mayor Pro Tem/Vice Chairman Dutrey; Council Members/Directors Paulitz, Raft, and Ruh; City Manager/Executive Director McDougal; Deputy City Manager/Director of Administrative Services Starr; Director of Redevelopment/Public Works Staats; Director of Community Development/Agency Planner Lustro; City/Agency Engineer Hudson; Deputy City Attorney/Agency Counsel Holdaway; City Clerk/Agency Secretary Jackson

V. PRESENTATIONS

A. Presentation by Mr. Richard Atwater, CEO, Inland Empire Utilities Agency, Related to Water Conservation

Mr. Terry Catlin, Vice President, **Inland Empire Utilities Agency (IEUA)**, introduced IEUA Chief Executive Officer/General Manager **Richard W. Atwater** and **Monte Vista Water District (MVWD)** Vice President **Maynard Lenhart** and General Manager **Mark N. Kinsey**. He gave a presentation on the statewide drought formally declared

by **Governor Schwarzenegger** in June 2008 and reported the following:

1. The state's major reservoirs are approaching near-record low levels and are being drawn down at a rapid rate as illustrated in photographs of **Lake Oroville**, the **State Water Project's** largest reservoir. **Diamond Valley Lake** near Hemet, the largest reservoir in Southern California that serves as an emergency water supply for Southern California, is expected to be at half capacity by the end of the year.
2. **MVWD** is working in partnership with the City to continue to meet the water-supply demands of residents and businesses. A recent milestone was achieved last month in Montclair when a reclaimed water irrigation system was implemented at Wilderness Park, and several more parks and school grounds are scheduled to implement reclaimed water irrigation systems in the near future. Use of recycled water allows the region to stretch its precious potable water supplies.
3. Door hangers urging residents to conserve water were recently distributed throughout the community.
4. **IEUA** supports the efforts of **MVWD** and the City to likewise alert the public of the statewide drought and to encourage conservation. Many of the water-conservation measures are common sense and include the following:
 - (a) Limit landscape irrigation to either early morning or late evening hours.
 - (b) Eliminate runoff.
 - (c) Use a broom instead of a hose to clean driveways and sidewalks.
 - (d) Repair leaking or misaligned sprinklers.

Mr. Catlin noted, "We can all do our part to spread the word about water conservation." He stated that **IEUA** appreciates the leadership of the Montclair City Council and its partnership with **MVWD** to finding local solutions to the water crisis.

Council Member Paulitz received clarification concerning the timeline of the two photographs on display.

Mayor Pro Tem Dutrey noted his attendance last Thursday at the **Second Annual San Bernardino County Water Conference** at the **Ontario Convention Center** that addressed San Bernardino County's water resources and the present water-supply crisis and

its impact on economic development. Noting California is facing a statewide water crisis and the future of San Bernardino County's water resources is at stake, he inquired concerning the status of development of a regionally consistent water-efficient landscaping ordinance model pursuant to the new standards contained in **Assembly Bill 1881 (Laird) - Water Conservation**.

Mr. Catlin replied that one of the goals of the **Inland Empire Landscape Alliance**, organized in March 2007 to achieve improved water-use efficiency in landscapes by providing a unified voice in recommending landscape-related policies within the Chino Basin, is to develop a model landscape ordinance and supporting General Plan language that is regionally consistent, in compliance with **AB 1881** requirements, and that promotes as much water conservation as possible during these dry years. He advised that the draft model ordinance should be completed by the end of the year for consideration by each of the member agencies and municipalities in the **IEUA's** jurisdiction.

Noting the proposed water-efficient landscaping ordinance would establish a structure for designing, installing, and maintaining water-efficient landscapes in new and redeveloped projects, Mayor Pro Tem Dutrey asked how owners of existing single-family homes and multifamily units could be persuaded to include some drought-tolerant plants in the overall landscaping of their properties.

Mr. Catlin responded that **IEUA**, in cooperation with its participating water providers, launched its newest water-saving rebate opportunity—the Water-Wise Residential Landscape Program—in December 2007 that offers a mini-grant of \$2 per square foot (up to a \$2,000 maximum per residence) to convert turf to "California Friendly®" landscaping. He added that a minimum of 400 square feet of turf must be removed per residence to qualify for the rebate. He advised that the program has been so successful that the **Metropolitan Water District** pledged to contribute another \$5 million and, last Friday, the **State of California** pledged to contribute an additional \$2 million to expand the program throughout Southern California in September 2008.

Mayor Pro Tem Dutrey noted his interest in the matter relates to the City Council's concern that properties are maintained to code standards. Noting both Council Member Paulitz and he serve on the Code Enforcement Committee, he advised that the Code Enforcement Unit routinely inspects residential neighborhoods for code compliance. Aside from adopting the proposed water-efficient landscaping ordinance, he suggested the Code Enforcement Committee could meet with the **Monte Vista Water District**

(MVWD) Board to discuss local solutions to the state's looming water crisis.

Council Member Ruh commented as follows:

1. He expressed his appreciation of the leadership the **IEUA** is taking to encourage water conservation to mitigate the record dry conditions in the state over the past two years. He applauded **IEUA** Chief Executive Officer **Richard Atwater** and **Mr. Catlin**, noting he has always been available when Council Member Ruh has needed assistance in the past, and that **MVWD** President **Sandra S. Rose** has also been very helpful.
2. He noted he was unable to attend the water conference because he was obligated to attend a work-related conference that day.
3. He suggested the City's Exterior Housing Improvement Program could replace turf landscaping with either synthetic turf or native plants, both attractive options. He noted an existing lawn must be allowed to dry completely to facilitate the installation of synthetic turf.
4. He also suggested Zen gardening, a Japanese rock garden comprised of an enclosed sandpit containing sand, gravel, rocks, and occasionally grass and/or other natural elements, as an option.

Mr. Catlin noted the **Chino Basin Water Conservation District (CBWCD)** offers complimentary water-wise landscape classes.

Council Member Raft noted she toured the **CBWCD** demonstration garden and that she understands the organization offers up to a \$1,000 rebate to residents. She inquired concerning the different programs.

Mr. Catlin noted **IEUA** offers up to \$2,000 to replace front or back lawns, and **CBWCD** offers a Landscape Evaluation/Audit Program targeting water conservation in residential, commercial, industrial, and institutional landscape irrigation systems. Noting **IEUA** should be launching a widespread advertising campaign of its Water-Wise Residential Landscape Program, he advised that information on the program is available on **IEUA's** website at www.ieua.org.

Council Member Raft thanked **Mr. Catlin** for the information.

Mayor Eaton noted it is essential to address the impact of the drought on the region's economic vitality and to collaborate to form beneficial solutions to California's future water crisis. He thanked **Mr. Catlin** for his presentation and **Mr. Atwater** and

Ms. Rose for attending tonight's meeting.

VI. PUBLIC COMMENT – None

VII. PUBLIC HEARINGS

A. Approval of Tentative Tract Map No. 18717 for an Industrial Condominium in the 4900 Block of Mission Boulevard

Mayor Eaton declared it the time and place set for public hearing to consider approval of Tentative Tract Map No. 18717 for a seven-lot industrial condominium project associated with the construction of six buildings totaling 49,856 square feet on a 2.49-acre site in the 4900 block on the north side of Mission Boulevard, approximately 250 feet east of Monte Vista Avenue, and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Eaton closed the public hearing and returned the matter to the City Council for its consideration.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Paulitz that the City Council approve Tentative Tract Map No. 18717 for an industrial condominium in the 4900 block of Mission Boulevard.

Motion carried unanimously by the following vote:

AYES: Ruh, Raft, Paulitz, Dutrey, Eaton
NOES: None
ABSTAIN: None
ABSENT: None

B. Approval of Tentative Tract Map No. 18718 for an Industrial Condominium in the 4900 Block of Mission Boulevard

Mayor Eaton declared it the time and place set for public hearing to consider approval of Tentative Tract Map No. 18718 for a seven-lot industrial condominium project associated with the construction of six buildings totaling 46,310 square feet on a 2.64-acre site at the northeast corner of Mission Boulevard and Monte Vista Avenue and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Eaton closed the public hearing and returned the matter to the City Council for its consideration.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Raft that the City Council approve Tentative Tract Map No. 18718 for an industrial condominium at the northeast corner

of Mission Boulevard and Monte Vista Avenue.

AYES: Ruh, Raft, Paulitz, Dutrey, Eaton
NOES: None
ABSTAIN: None
ABSENT: None

C. Adoption of Resolution No. 08-2761 Authorizing Recovery of Abatement Costs Incurred by the City Related to Property Owned by Town and Country Title Services and Citigroup Mortgage Services and Located at 4303 San Bernardino Court, Montclair, California

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Resolution No. 08-2761 authorizing recovery of abatement costs incurred by the City related to property owned by Town and Country Title Services and Citigroup Mortgage Services and located at 4303 San Bernardino Court, Montclair, California, and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Eaton closed the public hearing and returned the matter to the City Council for its consideration.

Moved by Mayor Pro Tem Dutrey and seconded by Council Member Ruh that the following actions be taken:*

1. That Resolution No. 08-2761, entitled, "**A Resolution of the City Council of the City of Montclair Declaring the Findings of the City Council Related to the Cost of Abatement Report for Property Located at 4303 San Bernardino Court, Montclair, California,**" be read by number and title only, further reading be waived, and it be declared adopted.
2. That the City Council determine that the \$1,276.55 reimbursement amount be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 08-2761.

Council Member Paulitz asked if the illegal room additions have been removed from the property.

City Manager McDougal replied that staff would report on the status of the room additions at a later date.

*The City Council unanimously waived the reading of the Resolution.

Resolution No. 08-2761 was unanimously adopted and the Council determined that the \$1,276.55 reimbursement amount be paid to

the City of Montclair within ten calendar days of adoption of Resolution No. 08-2761 by the following vote:

AYES: Ruh, Raft, Paulitz, Dutrey, Eaton
NOES: None
ABSTAIN: None
ABSENT: None

D. Adoption of Resolution No. 08-2762 Authorizing Recovery of Abatement Costs Incurred by the City Related to Property Owned by Mr. Jesus Lopez and Chicago Title Company and Located at 9539 Pradera Avenue, Montclair, California

Mayor Eaton declared it the time and place set for public hearing to consider adoption of Resolution No. 08-2762 authorizing recovery of abatement costs incurred by the City related to property owned by Mr. Jesus Lopez and located at 9539 Pradera Avenue, Montclair, California, and invited comments from the public.

There being no one in the audience wishing to speak, Mayor Eaton closed the public hearing and returned the matter to the City Council for its consideration.

Moved by Council Member Paulitz and seconded by Mayor Pro Tem Dutrey that the following actions be taken:

1. That Resolution No. 08-2762, entitled, "**A Resolution of the City Council of the City of Montclair Declaring the Findings of the City Council Related to the Cost of Abatement Report for Property Located at 9539 Pradera Avenue, Montclair, California,**" be read by number and title only, further reading be waived, and it be declared adopted.
2. That the City Council determine that the \$865.61 reimbursement amount be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 08-2762.

The City Council unanimously waived the reading of the Resolution.

Resolution No. 08-2762 was unanimously adopted and the Council determined that the \$865.61 reimbursement amount be paid to the City of Montclair within ten calendar days of adoption of Resolution No. 08-2762 by the following vote:

AYES: Ruh, Raft, Paulitz, Dutrey, Eaton
NOES: None
ABSTAIN: None
ABSENT: None

VIII. CONSENT CALENDAR

Mayor Pro Tem Dutrey requested that Item D-1 be removed from the Consent Calendar for comment.

Moved by Council Member/Director Ruh, seconded by Council Member/Director Raft, and carried unanimously to approve the following Consent Items as presented:

A. Approval of Minutes

1. Approval of Regular Joint Council/Agency/Montclair Housing Corporation Meeting of August 4, 2008

The City Council and Redevelopment Agency/Montclair Housing Corporation Boards approved the minutes of the Regular Joint City Council/Redevelopment Agency Board/Montclair Housing Corporation Board meeting of August 4, 2008.

B. Administrative Reports

1. Receiving and Filing of City Treasurer's Report

The City Council received and filed the City Treasurer's Report for the month ending July 31, 2008.

2. Approval of City Warrant Register and Payroll Documentation

The City Council approved the City Warrant Register dated August 18, 2008, totaling \$1,795,397.69 and the Payroll Documentation dated June 8, 2008, amounting to \$646,438.24, with \$414,151.69 being the total cash disbursement.

3. Receiving and Filing of Agency Treasurer's Report

The Redevelopment Agency Board received and filed the Redevelopment Agency Treasurer's Report for the month ending July 31, 2008.

4. Approval of Agency Warrant Register

The Redevelopment Agency Board approved the Redevelopment Agency Warrant Register dated 07.01.08-07.31.08 in the amounts of \$855.99 for Project I; \$75.00 for Project II; \$21,882.65 for Project III; \$12,042.27 for Project IV; and \$34,082.90 for Project V.

5. Receiving and Filing of Montclair Housing Corporation Treasurer's Report

The Montclair Housing Corporation (MHC) Board received and filed the MHC Treasurer's Report for the month ending July 31, 2008.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 7.01.08-07.31.08 in the amount of \$31,901.09.

7. Designating a Voting Delegate and Alternate Voting Delegate to the League of California Cities Annual Conference, September 24-27, 2008, Long Beach, California

The City Council designated Mayor Eaton as Montclair's voting delegate and Mayor Pro Tem Dutrey as alternate voting delegate at the 2008 League of California Cities Annual Business Meeting to be held Saturday, September 27, 2008, at the Long Beach Convention Center, Long Beach, California.

C. Agreements

1. Approval of *Agreement No. 08-83* With K.A.R. Construction, Inc., and Citizens Business Bank for Escrow Account In Lieu of Retention Associated With Construction of the New City of Montclair Police Department Facility

The City Council approved *Agreement No. 08-83* with K.A.R. Construction, Inc., and Citizens Business Bank to establish an escrow account in lieu of the City withholding a 10 percent retention associated with construction of the new City of Montclair Police Department facility.

2. Approval of *Agreement Nos. 08-85, 08-86, 08-87, 08-88* With Montclair Little League, Montclair Golden Girls Softball League, and All Cities Youth Baseball, Respectively, for Use of Ball Field Facilities

The City Council approved *Agreement Nos. 08-85, 08-86, 08-07, and 08-88* with Montclair Little League, Montclair Golden Girls Softball League, and All Cities Youth Baseball, respectively, for use of ball field facilities.

3. Redevelopment Agency Board of Directors' Approval of *Agreement Nos. 08-89 Through 08-95, Rehabilitation Grant Agreements* by and Between the City of Montclair Redevelopment Agency and Exterior Housing Improvement Program (EHIP) Participants

The Redevelopment Agency Board approved *Agreement Nos. 08-89 through 08-95, Rehabilitation Grant Agreements* by and between the City of Montclair Redevelopment Agency and the seven EHIP participants listed on Exhibit A to the agenda report on this item.

IX. PULLED CONSENT CALENDAR ITEMS

D. Resolutions

1. Adoption of Resolution No. 08-2764 Opposing Fiscally Irresponsible State Budget Decisions that Would "Borrow" Local Government, Redevelopment, and Transportation Funds

Mayor Pro Tem Dutrey thanked staff for preparing this item regarding a very important issue confronting local government agencies in the state. He advised that the reason the State Legislature has failed to adopt a spending plan for this fiscal year is partisan in nature, noting the real issue is the state's refusal to spend within its means. He noted the very real possibility that the state will again raid local government property tax and redevelopment tax increment revenues to close a \$17 billion budget gap and that Montclair stands to lose approximately \$1 million in property tax and another \$500,000 in tax increment revenues. He emphasized that the Governor and Legislature must stop raiding local governments' revenues and, instead, rely on fiscally responsible ways of balancing the state budget. He spoke in strong support of proposed Resolution No. 08-2764.

Moved by Mayor Pro Tem Dutrey, seconded by Council Member Ruh, and carried unanimously that the City Council adopt Resolution No. 08-2764 opposing fiscally irresponsible state budget decisions that would "borrow" local government, redevelopment, and transportation funds.

X. RESPONSE - None

XI. COMMUNICATIONS

A. Deputy City Attorney/Agency Counsel

1. Noting he would be unable to attend the Wednesday, August 20, 2008 Special Joint Meeting because he will be in Loma Linda that evening, Deputy City Attorney/Agency Counsel Holdaway advised that he would be available by telephone for consultation.

Mayor Eaton thanked Deputy City Attorney/Agency Counsel Holdaway for letting the Council know.

B. City Manager/Executive Director – No comments

C. Mayor/Chairman

1. Mayor/Chairman Eaton commented as follows:
 - (a) He noted his attendance at recent **Omnitrans, San Bernardino Associated Governments, and Southern California Association of Governments** Board meetings.
 - (b) He noted his participation on August 12, 2008, at the **Montclair Chamber of Commerce** ribbon cutting and grand opening of **Extra Space Storage**, 5548 Arrow Highway.
 - (c) He noted his attendance at the very nice Annual Montclair Summer Bar-B-Que.

D. City Council/Agency Board

1. Council Member/Director Paulitz noted he enjoyed attending the employee barbecue and that he is pleased the event is held each summer for our employees.
2. Council Member/Director Raft agreed that the barbecue was very enjoyable.
3. Mayor Pro Tem/Vice Chairman Dutrey commented as follows:
 - a) He thanked Human Services Division for organizing the barbecue on behalf of our employees.
 - b) He noted he is very pleased that after Wednesday, he will no longer be campaigning for his Council seat. He thanked all Montclair voters for their trust in Council Member Raft and him.
4. Council Member/Director Ruh commented as follows:
 - (a) He noted he was unable to attend the barbecue because he attended a professional development conference out of town during most of last week. He noted he has enjoyed attending the function in the past, adding that City employees appreciate it and certainly "deserve it for all their hard work."

- (b) Noting he agrees with comments made by Mayor Pro Tem Dutrey on the state budget, he suggested voters carefully consider election propositions/initiatives that mandate state spending on programs, noting such spending is "mandated and dictated by the voters that a legislator cannot change."
- (c) He noted his attendance on Saturday at a **Neighborhood Partnership Housing Services (NPHS)** Housing Foreclosure Workshop sponsored by the **City of Pomona** and commented on the increasing trend in homeowners' association insolvency caused by property owners, unable to pay their mortgages and dues, who leave, the property remains vacant, and no dues are collected. He suggested local governments should consider the long-term effects of economic downturns on homeowners' associations once the economy improves before requiring homeowners associations be attached to residential subdivisions.

Council Member Ruh applauded **NPHS** for the work the organization is doing to solve the subprime mortgage crisis.

- (d) Noting homeowners are increasingly renting out rooms in their homes, he emphasized that local government should be proactive in anticipating future rental product trends for this region to ensure the appropriate products are being developed. He noted governmental agencies should work collectively toward regional housing solutions to prevent further increases in homelessness in the region.

E. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of August 4, 2008

The City Council received and filed the Personnel Committee meeting minutes of August 4, 2008, for informational purposes.

Mayor Eaton thanked **Mr. Maynard Lenhert** for the complimentary packets of mosquito repellent.

Mr. Lenhert told Mayor Eaton to let him know if he needs more of the packets because he has a supply of them. He noted an individual residing in La Verne was diagnosed with the disease.

Council Member Ruh thanked **Mr. Lenhert** for notifying the City Council.

XII. COUNCIL/AGENCY WORKSHOP

A. Review of Financial Audit by Lance, Soll, Lunghard, LLP

Moved by Council Member/Director Ruh, seconded by Council Member/Director Raft, and carried unanimously to continue this item to an adjourned joint meeting on Tuesday, September 2, 2008, at 5:45 p.m. in the City Council Chambers.

At this time, Mayor Eaton asked **Mr. Loren Martens** to come forward to speak.

Mr. Loren Martens, 4285 Benito Street, Montclair, reported there are a number of areas of certain City streets where the curb and pavement have settled and in which water collects, stagnates, and breeds mosquitoes. He suggested the City should allocate funds to correct those areas.

Mayor Eaton thanked **Mr. Martens** and advised him that Public Works staff would look into the matter.

XIII. ADJOURNMENT OF CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS OF DIRECTORS

At 7:41 p.m., Mayor/Chairman Eaton adjourned the City Council and Redevelopment Agency and Montclair Housing Corporation Boards of Directors to Tuesday, September 2, 2008, at 5:45 p.m. in the City Council Chambers in memory of long-time Montclair resident and dear friend **Mrs. Lola Mont Kiey**, who passed away on Friday, August 15, 2008, in Sun City, Arizona. He noted **Lola** served as a member of the Montclair Community Action Committee from June 1984 through December 1987 and was active in the **Republican Women's Club**, **Montclair Kiwanis**, and the **Montclair Chamber of Commerce**.

Submitted for City Council/Redevelopment Agency Board/Montclair Housing Corporation Board approval,

Yvonne L. Smith
Transcribing Secretary